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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,719	12/30/1999	W. LEO HOARTY	1436/139	6764

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EXAMINER

HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/04/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,719

Applicant(s)

HOARTY, W. LEO

Examiner

Son P Huynh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. Claims 1 - 10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Hoarty et al. (US 6,100,883).

Regarding claim 1, Hoarty, in claim 24 of patent '883, recites a home interface controller in an interactive television information system as being claimed in claim 1 wherein the processor reads on the interactive controller being claimed.

Regarding claim 2, Hoarty, in claim 33 of patent '883, recites the data transceiver is operative in a communication link over the network (see col. 21, lines 50-51 and col. 22, lines 50-52).

Regarding claim 3, Hoarty, in claim 34 of patent '883, recites the data communication link is operative at a radio frequency independent of any frequency used for telecommunication over the network (see col. 21, lines 21-22 and col. 22, lines 53-56).

Regarding claim 4, Hoarty, in claims 24 of patent '883, recites the information signal provided by the processor is transmitted on the network to the subscriber

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television with which the given controller is associated so that the information signal is made available to the subscriber television, the information signal being capable of full motion video (see col. 21, line 64-col. 22, line 2). It is obvious that the home interface controller comprises a television input for receiving the signal capable of full motion video from the assign one of the controller and a signal output for providing the signal capable of full motion video to the subscriber television.

Regarding claim 5, Hoarty recites the data transceiver is operative in a communication link over network as discussed in the rejection of claim 2.

Regarding claim 6, Hoarty recites the data communication link is operative at a radio frequency independent of any frequency used for telecommunication over the network as discussed in the rejection of claim 3.

Regarding claim 7, Hoarty recites a home interface controller as discussed in the rejection of claim 4.

Regarding claim 8, Hoarty recites a home interface controller as discussed in the rejection of claim 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a tuner coupled to the television input for tuning to the signal selected by the input device in order to receive only selected signal.

Regarding claim 9, Hoarty recites a home interface controller as discussed in the rejection of claim 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a processor couple to the television input in order to decompress a compressed signal capable of full motion video and provide the decompressed signal to the signal output.

Regarding claim 10, Hoarty recites a home interface controller as discussed in the rejection of claim 7. As a result, the interactive process provides digital full motion video.

2. Allowance of claims 1-10 would result in an un-warranted time wise extension of the monopoly granted for the invention as defined in claims 24 and 33-34. Therefore, double patenting rejection is properly applied.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gelman et al. (US 5,371,532).

Regarding claim 1, Gelman et al. (hereinafter referred to as Gelman) discloses communications architecture for distributing information services comprising:

a customer premises equipment (CPE) 70 for sending requests to the central office 40 for information programs and interactively controls the play-out of information programs; the CO buffer 44 central office 40 receives requests from CPE 70 and the CO-SP 41 queries the IWH 10 for the appropriate script, map, and segments of information programs and based on the requests from CPE 70 and downloads to the CO 40 before transmits to the CPE 70 for display on the subscriber's display screen (see figure 3). Therefore, the CPE 70 reads on the home interactive device being claimed; IWH 10 reads on the information source means being claimed; CO 40 reads on the head end being claimed; transmission links 90 and 91 read on the information service distribution network; CO-SP 41 and CO buffer 44 read on the interactive controller; user network interface 71 reads on the data transceiver being claimed; user control interface 72 reads on the selection input being claimed. Furthermore, Gelman discloses delivery of the requested information services and video programs to CPE (see col. 11, line 21- col. 12, line 5). It would have been obvious to one of ordinary skill in the art that television communication involves transmission of signals capable of full motion video and provide thereto an information service from the information source means over the network by the signal capable of full motion video in order to increase efficiency of services.

Regarding claim 2, Gelman discloses the data transceiver 71 is operative in a communications link over the network 91 (see figure 3).

Regarding claim 3, Gelman discloses the CO 40 communicates with subscribers over low speed transmission links operating at rates such as 1.5 Mb/s downstream and several kilobits upstream for transport of control information (see col. 3, line 67- col. 4, line 9). Inherently, the data communication link is operative at a radio frequency independent of any frequency used for television communication over the network.

Regarding claim 4, Gelman discloses a CPE as discussed in the rejection of claim 1. Gelman further discloses user network interface 71 in CPE 70 for receiving the signal from CO-buffer 44; and graphic overlay processor reads on signal output (see figure 3).

Regarding claim 5, Gelman discloses the data transceiver is operative in a communication link over network as discussed in the rejection of claim 2.

Regarding claim 6, Gelman discloses the data communication link is operative at a radio frequency independent of any frequency used for telecommunication over the network as discussed in the rejection of claim 3.

Regarding claim 7, Gelman discloses a home interface controller (CPE 70) for use with a television of a subscriber, wherein the home interface controller is in television communication and data communication with the cable television system, the home interface controller comprising:

user network interface reads on data transceiver and television input being claimed;

user control interface 72 reads on selection input being claimed;

graphic overlay processor 74 reads on the signal output (see figure 3).

Obviously, the signals received by the television input capable of full motion video in order to increase efficiency of the system.

Regarding claim 8, Gelman discloses a home interface controller as discussed in the rejection of claim 7. However, Gelman fails to disclose a tuner coupled to the television input for tuning to the signal capable of full motion video based on the data signal input from the selection input. Official Notice is taken that using a tuner coupled to the television for receiving only selected signal is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a tuner coupled to the television input for tuning to the signal selected by the selection input in order to receive only selected signal.

Regarding claim 9, Gelman discloses decoder 73 reads on the processor being claimed (see figure 3).

Regarding claim 10, Gelman discloses a home interface controller as discussed in the rejection of claim 7. As a result, the interactive process provides digital full motion video.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bradley et al. (US 5,172,413) discloses secure hierarchical video delivery system and method.

Hoarty et al. (US 6,064,377) discloses subscriber directed simultaneous multiple signal presentation for interactive cable television system.

Freeman (US 4,847,700) discloses interactive television system for providing full motion synched compatible audio/visual displays from transmitted television signal.


Remillard (US 5,461,667) discloses apparatus and method for electronic device for information services.

Vinel et al. (US 5,469,283) discloses optical system for connecting customer premises networks to a switching center of a telecommunication network providing interactive and non-interactive services.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P Huynh whose telephone number is 703-305-1889. The examiner can normally be reached on 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-306-0377.



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Son P. Huynh
August 22, 2002